IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7842 of 1997

RAJENDRAKUMAR J SONI
Versus
NADIAD MUNICIPALITY

Appearance:
        None present for Petitioner
        MR YV SHAH for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE
      Date of Order: 04/02/98

C.A.V. ORDER
     Heard the learned counsel for the respondent and
     perused the special civil application.

     2. Challenge has been made by the petitioner to the
     order dated 7-5-1997 under which his services were
     terminated.

     3. In this case, challenge has been made on the
     ground that the principle - `last come first go' has not
     been followed and reliance has been placed on the
     decision of this Court given in special civil
     applications No.3909/97 and 4610/97, but that principle
     is of no help to the petitioner for the reason that, that
     decision has been given by this Court on the basis of the
     concession made by the learned counsel for the
     respondent. No such concession has been made before this
     Court in this case and otherwise also the petitioner has
     failed to show who are the juniors who have been retained
     in the service.

     4. The facts of this case also speak of the fact
     that the petitioner in fact had not felt aggrieved of the
     termination of his services otherwise he would have taken
     the appropriate legal remedy against the same as it has
     been done by other persons. Only when this Court has
     decided the aforesaid petitions, he has taken the idea
     therefrom and filed this special civil application which

is nothing but only an after thought.

5. Mr. Justice B.N. Kirpal, Chief Justice of this Court, (as he then was), speaking for the Division Bench in the case of Mukesh B. Desai vs. State of Gujarat & Ors. reported in 1997 (3) GCD 645 held that the principle – last come first go, would apply in the cases of retrenchment, which is a basic principle of labour law and as such, the appropriate remedy in such matters is only to raise an industrial dispute and not to approach this Court.

6. Taking into consideration, the totality of the facts of this case, this special civil application is wholly misconceived and the same is dismissed.

    (S.K. Keshote,J)

zgs/-